



**Side-by-Side: Comparison of Provisions in the
House Fostering Connections to Success Act and the
Senate Finance Committee Chairman's Mark***

	Fostering Connections to Success Act (H.R. 6307)	Chairman's Mark
Kinship Navigator Program	<p>Creates a competitive grant program for "family connection grants" that can be used for any of three purposes: to create/implement kinship navigator programs, intensive family-finding efforts, or family group decision-making meetings.</p> <p>Allows for 20 new grantees each year.</p> <p>25% state match in first and second years; 50% match in third year of the grants.</p>	<p>Appropriates \$5 million for each year through FY2013 to fund a competitive grant program for states to create kinship navigator programs. The programs will help link relative caregivers, both inside and outside of the formal child welfare system, to a broad range of services and supports that will help them meet the needs of the children in their care. Also allows states to use adoption/guardianship incentive payments for "relative navigator and support services."</p>
• Eligibility for grants	Eligible entities include "State, local, or tribal child welfare agencies, and private nonprofit organizations that have experience in working with foster children or children in kinship care arrangements."	Eligible entities include "tribal organizations, and public or private agencies of a state, or those serving a large metropolitan area, that have experience addressing the needs of kinship caregivers or children."
Subsidized Guardianship	Gives states the option to use Title IV-E funds for kinship guardianship assistance payments.	Gives states the option to use Title IV-E funds for relative guardianship assistance payments.
• Length of time child must be in foster care	12 months	The month prior to granting guardianship
• Child required to be with relatives in foster care?	Child must reside with relative for at least six months and be eligible for IV-E payments while in the relative's home.	There is no requirement that the child live with the relative in foster care prior to exiting with subsidy, but the relative must be licensed as a foster family home.

*Bill language not yet available and we have pulled from the summary of the Mark and S. 3038.

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<ul style="list-style-type: none"> • Rule out adoption and return home 	<p>State agency must rule out adoption and return home.</p> <p>The state must also document in the child's case plan: (i) the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted; (ii) the reasons for any separation of siblings during placement; (iii) the reasons why a permanent placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests; (iv) the ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment; (v) the efforts the agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons therefore; and (vi) the efforts made by the State agency to discuss with the child's parent or parents the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.</p>	<p>State agency must determine that being returned home or adopted are not appropriate permanency options for the child and, in the case of a child for whom removal from the home was associated primarily with parental substance abuse and addiction, that attempts to engage the family in residential, comprehensive family treatment programs are inappropriate or have been unsuccessful, or such programs are unavailable.</p> <p>The state must also document in the child's case plan: 1) the steps the agency has taken to determine that it is not appropriate for the child to return home or be adopted; 2) the reasons why a permanent placement with a fit and willing relative through a relative guardianship assistance arrangement is in the child's best interests; 3) the ways in which the child meets the eligibility requirements for relative guardianship assistance payments; 4) the efforts the agency has made to discuss adoption by the child's relative guardian and, if the relative guardian chose not to pursue adoption, the reasons why this is so; and 5) the efforts made by the State agency to secure the consent of the child's parent(s) to the relative guardianship assistance arrangement (or the reason why those efforts were not made).</p>
<ul style="list-style-type: none"> • Placement with Siblings (Sibling Exception) 	<p>Siblings <i>may</i> be placed in the same kinship guardianship arrangement if the State agency and the relative agree on the appropriateness of the arrangement for the siblings.</p> <p>Allows the relative to receive payments for each of the siblings.</p> <p>NOTE: For <i>all</i> placements, requires states to make reasonable efforts to place siblings removed from their home in the same foster care placement unless the State documents that such a joint placement would be contrary to the safety or well-being of any of the siblings.</p>	<p><i>Requires</i> that siblings be placed in the same relative guardianship arrangement unless it is inappropriate to do so.</p> <p>Allows the relative to receive payments for each of the siblings.</p> <p>Does not require siblings to be placed together, except in relative guardianship arrangements.</p>
<ul style="list-style-type: none"> • Covered expenses 	<p>Subsidized guardianship payment</p> <p>Nonrecurring expenses associated with obtaining guardianship limited to \$2000</p>	<p>Subsidized guardianship payment</p> <p>Nonrecurring expenses associated with obtaining guardianship limited to \$2000</p>

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<ul style="list-style-type: none"> • Payments 	<p>There is not a specific requirement to initially base payments on the circumstances or needs of the relative or the child, but the payment level may be readjusted based on the circumstances of the relative or needs of the child provided that the payment level does not exceed the payment that would have been received had the child still been in foster care at that time.</p> <p>Must be equal to the foster care maintenance payment, or, at the option of the state, the adoption assistance payment.</p> <p>May continue, at state option, until age 21 if the guardianship agreement was entered into when the child was age 16 or older. State may also elect to allow guardianship payments to continue to age 19, 20, or 21 if the youth is completing high school or an equivalency program; enrolled in post-secondary or vocational school; participating in a program or activity designed to promote, or remove barriers to, employment; or employed for at least 80 hours per month; or to age 21 if child has a mental or physical disability.</p>	<p>Must be based on the circumstances of the relative and the needs of the child.</p> <p>May not be less than the adoption assistance payment and not more than the foster care maintenance payment.</p> <p>May continue, at state option, until age 21 if the guardianship agreement was entered into when the child was age 16 or older. State may also elect to allow guardianship payments to continue to age 19, 20, or 21 if the youth is completing high school; enrolled in college (or equivalent vocational education); participating in a program or activity designed to promote employment or remove barriers to employment; employed at least 80 hours per month; or determined by the State to be "particularly vulnerable" or "a high-risk individual."</p>
<ul style="list-style-type: none"> • Moving out of state 	<p>If the relative and child move out of state, the agreement will remain in effect.</p>	<p>If the relative and child move out of state, the agreement will remain in effect.</p>
<ul style="list-style-type: none"> • Criminal background checks 	<p>Requires background checks of relative guardians.</p>	<p>Requires background checks of relative guardians.</p>

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Notice to Relatives	<p>Requires states to attempt to locate and notify any non-custodial parents, siblings, grandparents, aunt, or uncles of the child who are adults within 30 days after the child is placed in foster care, subject to exceptions due to family or domestic violence.</p> <p>The notice must tell the relative of the placement and explain the options the relative has to participate in the care and placement of the child.</p> <p>Does not require notice to relatives receiving Temporary Assistance for Needy Families (TANF) when the child is not placed in foster care.</p>	<p>Requires that the states “exercise due diligence” to identify and provide notice to all adult grandparents and other adult relatives of the child within 60 days of the removal of the child from the custody of the child’s parent or parents, subject to exceptions due to family or domestic violence.</p> <p>In the notice, states are required to describe the requirements to become a foster family home and the additional services and supports that are available for children in such a home and, if the state has elected to make relative guardianship assistance payments, the notice must describe how to enter into such an agreement to receive such payments.</p> <p>Requires the state to provide similar notice to relatives who are receiving TANF and have been caring for children (without their parents present) as a result of interaction with the child welfare agency. If the agency fails to notify the recipients of TANF, the state may incur a TANF penalty of 1-3.5%.</p> <p>Allows child welfare agencies direct access to the Federal Parent Locator Service.</p>
Separate Licensing Standards	<p>Does not address separate licensing standards for relative and non-relative foster homes.</p>	<p>Requires HHS to establish not more than 10 demonstration projects (at least 2 in rural States, 1 in a State where counties primarily administer the Title IV-E foster care program, and 1 in a tribe that directly operates a Title IV-E foster care program) to determine the extent to which flexibility in the application of licensing standards for the homes of immediate relative foster parents results in improved well-being and permanency outcomes for children in foster care.</p> <p>A State or tribe selected to conduct such a demonstration may modify the extent to which the home of an immediate foster parent relative (grandparent, aunt, uncle or adult sibling) meets any of the State’s foster family home licensing standards that concern – 1) the number or size of bedrooms in the home (with appropriate safeguards for age and sex of the children); 2) the number of bathrooms in the home (with appropriate safeguards for age and sex of the children); and 3) the overall square footage of the home.</p>

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Eligibility for Chaffee/Education and Training Vouchers/ Independent Living	Does not address access to independent living or ETV for youth exiting foster care to guardianship.	<p>Extends eligibility for independent living services to youth exiting foster care to guardianship or adoption at the age of 16.</p> <p>Extends eligibility for ETV to those exiting care to guardianship at the age of 16 (those adopted from foster care at age 16 are already eligible under current law).</p>
De-linking Adoption Assistance Eligibility from AFDC income Requirements	Does not de-link adoption assistance eligibility.	<p>De-links eligibility for adoption assistance payments from the income requirements of AFDC and requires that any savings resulting must be reinvested in child welfare services.</p> <p>Takes effect for children ages 0-6 in FY2013; ages 6-12 in FY2012; ages 12 and up in FY2011.</p> <p>Deems any child who meets the medical or disability requirements related to SSI-eligibility to be a child with special needs for the purposes of adoption assistance eligibility.</p>
Eligibility for Adoption Assistance Payments Post-guardianship	Maintains eligibility for adoption assistance if guardian decides to adopt later and allows the child to maintain eligibility as if the guardianship agreement had never been entered into.	Maintains eligibility of any child who has received Federal relative guardianship assistance payments, and who is determined by the State to have special needs, for Federal adoption assistance.
Extension of Adoption Incentives Program	Extends Adoption Incentives Program for five years through FY 2013.	Extends Adoption Incentives Program for five years through FY 2013.
• Baseline year for incentive payment	2007	2007
• Incentive payment amount	<p>\$4,000 per adoption that exceeds the highest number of adoptions plus \$4,000 per special needs non-older child adoption or \$8,000 per older child adoption</p> <p>No option for increases based on rate of adoptions.</p>	<p>\$4,000 per adoption that exceeds the highest number of adoptions plus \$3,000 per special needs non-older child adoption or \$8,000 per older child adoption</p> <p>Could receive additional payment if the state's adoption <i>rate</i> exceeds the highest ever previously recorded rate for a year beginning in 1998. The award would be \$1,000 multiplied by the number of adoptions that occurred as a result of the State exceeding its highest ever foster child adoption rate and holding the foster care caseload constant.</p>

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<ul style="list-style-type: none"> • Timeframe for use of incentive payments 	States have 24 months beginning with the month in which the payments are made to spend the adoption incentive funds.	States have 24 months beginning with the month in which the payments are made to spend the adoption incentive funds.
<ul style="list-style-type: none"> • Guardianship incentive payments 	Does not provide for guardianship incentive payments.	<p>Provides guardianship incentive payments to states only if the appropriations for adoption incentive payments are not spent and funds are available.</p> <p>The incentive payment would be equal to \$1,000 for each guardianship agreement established in the initial year the state operates the IV-E guardianship program and for subsequent years, \$1,000 for each such placement above the state's previous highest number of agreements.</p>
Adoption Tax Credit	Requires that the state inform any individual who is adopting or whom the state is aware is considering adopting a child from foster care about the availability of the federal tax credit.	Requires that the state inform any individual who is adopting or whom the state is aware is considering adopting a child from foster care about the availability of the federal tax credit.
Support for Youth up to Age 21	Allows states, at their option, to continue providing payments for youth in foster care, including in supervised independent living settings, until age 19, 20, or 21 provided that the youth is either completing high school or an equivalency program; enrolled in post-secondary or vocational school; participating in a program or activity designed to promote, or remove barriers to, employment; or employed for at least 80 hours per month. Also allows states to extend adoption assistance and guardianship payments to youth ages 19, 20, or 21 if 16 or older when adoption assistance or guardianship agreement took effect.	<p>Allows states, at their option, to continue providing payments for youth in foster care, including in supervised independent living settings, until age 19, 20, or 21 provided that the youth is completing high school; enrolled in college (or equivalent vocational education); participating in a program or activity designed to promote employment or remove barriers to employment; employed at least 80 hours per month; or determined by the State to be "particularly vulnerable" or "a high-risk individual". Also allows states to extend adoption assistance and guardianship payments to youth ages 19, 20, or 21 if 16 or older when adoption assistance or guardianship agreement took effect.</p> <p>During the 90-day period immediately before a child legally emancipates, requires the child's caseworker, and other representatives as appropriate, to help the child develop a personal transition plan. The plan must be as detailed as the child chooses and include specific options on housing, health insurance, education, local opportunities for mentoring, continuing support services, work force supports and employment services.</p>

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Expanding Eligibility for Title IV-E Training Dollars	<p>Allows states to be reimbursed for training provided to all populations currently covered as well as relative guardians, private child welfare agencies approved by the State, and members of the staff of abuse and neglect courts, agency attorneys, attorneys representing children or parents, guardians ad litem, or other court-appointed special advocates representing children in proceedings of such courts.</p> <p>States will be reimbursed for providing such training at 55% for expenditures in FY2009; 60% for expenditures in FY2010; 65% for expenditures in FY2011; 70% for expenditures in FY2012; and at 75% for expenditures thereafter.</p>	<p>Allows states to be reimbursed for training provided to all populations currently covered as well as current or prospective relative guardians, provided those relative guardians care for children receiving Federal foster care, relative guardianship assistance, or adoption assistance.</p> <p>Does not extend Title IV-E training funds to staff of private child welfare agencies.</p> <p>States will be reimbursed for providing such training at 75%.</p>
Access to IV-E Funds for Indian Tribes	<p>Allows Indian tribes direct access to IV-E funds. Provisions not identical.</p>	<p>Allows Indian tribes direct access to IV-E funds. Provisions not identical.</p>

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Promoting Educational Stability	<p>Requires states to address educational stability in each child's case plan including assuring that the placement takes into account the proximity to the child's school of origin and the appropriateness of the current school placement and documenting efforts to coordinate with the local education agency to ensure that the child remains in their school of origin unless not in the child's best interest.</p> <p>If remaining in the school of origin is not in the child's best interest, the state child welfare agency must coordinate with the school to ensure immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.</p> <p>Allows IV-E foster care maintenance payments (at the Medicaid federal matching rate rather than the current rate for transportation of 50%) to cover the cost for the child to travel to the child's school of origin.</p> <p>Requires states to provide assurances in their Title IV-E state plans that every child in IV-E foster care or who receives adoption assistance or subsidized guardianship payments under IV-E who has attained the minimum age for compulsory school attendance under state law is enrolled is a full-time elementary or secondary school student or has completed secondary school.</p>	<p>Requires states to address educational stability in each child's case plan including assuring that the placement takes into account the proximity to the child's school of origin and the appropriateness of the current school placement and documenting efforts to coordinate with the local education agency to ensure that the child remains in their school of origin unless not in the child's best interest.</p> <p>If remaining in the school of origin is not in the child's best interest, the state child welfare agency must coordinate with the school to ensure immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.</p> <p>Allows IV-E foster care maintenance payments (at the Medicaid federal matching rate rather than the current rate for transportation of 50%) to cover the cost for the child to travel to the child's school of origin.</p> <p>Requires states to provide assurances in their Title IV-E state plans that every child in IV-E foster care or who receives adoption assistance or subsidized guardianship payments under IV-E who has attained the minimum age for compulsory school attendance under state law is enrolled is a full-time elementary or secondary school student or has completed secondary school.</p>
Addressing Children's Health Needs	<p>Requires states, in their Title IV-B plans, to develop, in coordination and collaboration with the state Medicaid agency and in consultation with pediatricians and other experts, a plan for the ongoing oversight and coordination of health care services for any child in foster care, including how initial and follow-up health screenings would be provided; how health needs identified would be monitored and treated; how medical information would be updated and appropriately shared, including the possibility of implementing electronic health records; what steps are or will be taken to ensure continuity of health care services, including the possibility of establishing a medical home for every child in care; and what will be done to ensure the oversight of prescription medications, including psychotropic drugs.</p>	<p>Does not address children's health needs.</p>

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Increasing Federal Match Rate for D.C.	Increases federal Title IV-E match rate from 50% to 70% for the District of Columbia.	Does not increase federal Title IV-E match rate for the District of Columbia.

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